

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) Case No. 09CR3120-L
Plaintiff,)
vs.)
MARIA CENTENO (1),)
Defendant.)

ORDER

Defendant Maria Centeno filed a motion for the Marshals Service to provide travel and subsistence funds under 18 U.S.C. § 4285.

Section 4285 provides that when an indigent defendant is released pending a court appearance, a judge “may, when the interests of justice would be served thereby . . . direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States Code.” 18 U.S.C. § 4285. However, section 4285 only allows payment of one-way travel to a court appearance, and not for costs of return travel. *See e.g. United States v. Gonzales*, 684 F.Supp. 838, 841 (D.Vt.1988) (“There is no authority to pay for defendant's return to [home] after the court proceeding.”);

1 *United States v. Sandoval*, 812 F.Supp. 1156, 1157 (D.Kan. 1993); *United States v. Birdhorse*,
2 2007 WL 2358634, *2 (D.N.D. 2007); *United States v. Badalamenti*, 1986 WL 8309 (S.D.N.Y.
3 1986). Further, the statute does not authorize payment for subsistence or lodging during trial.¹
4 See e.g. *United States v. James*, 762 F.Supp. 1, 2 (D.D.C. 1991) (“while the statute authorizes
5 payment to travel to the court, once at the site of the court, the statute does not authorize
6 payment of subsistence during the course of the trial or hearing”); *United States v. Haley*, 504
7 F.Supp.1124, 1129 (E.D. Pa. 1981) (“[T]he statute does not authorize subsistence funding for
8 defendants once they arrive at the place of trial and during trial, which could be extended.”);
9 *Sandoval*, 812 F.Supp. at 1157 (“[W]hile the court may require the Marshal to provide money
10 for subsistence during transit, this statute does not authorize the court to enter an order requiring
11 the Marshal to provide money for subsistence upon reaching [the place of trial.]”); *United States
12 v. Nave*, 733 F.Supp. 1002 (D. Md. 1990).

13 Therefore, **IT IS HEREBY ORDERED** that Defendant Maria Centeno’s motion is
14 **GRANTED**, but only to the extent of travel expenses for one-way transportation. The United
15 States Marshals service shall furnish Ms. Centeno with transportation and subsistence funds, not
16 to exceed the amount authorized by law, from Anaheim, California to San Diego, California to
17 attend her trial on October 20, 2009.

18 **IT IS SO ORDERED.**

19
20 DATED: October 15, 2009

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22 
M. James Lorenz
United States District Court Judge

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25 ¹ The Pretrial Services Act, 18 U.S.C. § 3152-3156, requires the Pretrial Services
26 Agency to provide food and shelter to indigent defendants during trial. See *United States v.
27 Gunderson*, 978 F.2d 580, 584-85 (10th Cir. 1992). See also *United States v. Nave*, 733
28 F.Supp.1002, 1003 (D.Md. 1990) (noting indigent defendants may “make arrangements through
the Pre-Trial Services Agency for lodging in some appropriate facility, such as a half-way
house”).

1 COPIES TO:
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